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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,262	11/14/2003	James G. Stanley	086142-0609	8060

22428 7590 03/22/2005

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/712,262

**Applicant(s)**

STANLEY ET AL.

**Examiner**

David Dunn

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25 and 27-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25 and 27-34 is/are rejected.
- 7) ☒ Claim(s) 35-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

This Office Action is responsive to the amendment filed December 28, 2004.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 30 is rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Admitted Prior Art.

In Applicant's Application, Figure 5, Prior Art, the webbing is folded and constrained from unfolding by stitching (126) extending in a direction transverse to the longitudinal direction of the webbing (*note: the webbing is folded around the sensor and back up to where it is stitched*).

3. Claims 25-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Stojanovski (6,301,977).

Stojanovski discloses a seat belt device comprising: a webbing (12); and a belt tension sensor (see Figure 2); wherein one end of the webbing is connected to the sensor; wherein the end of the webbing is folded to create a folded portion that passes through the opening of the

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sensor (see Figure 7). The folded portion includes stitching (56; the stitching extends into the folded portion as seen in Figure 7); the stitching maintains the shape of the folded portion (see in Figure 7 that the stitching extends into the folded part). The width of the folded portion located in the webbing is less than the width of the opening (see both the embodiment of Figure 7 and Figure 9). The stitching runs transverse to the longitudinal direction of the webbing. The webbing includes a second stitching adjacent the folded portion to connect the end of the webbing and form a loop (note, there are two separate stitchings in Figure 7).

4. Claim 30 is rejected under 35 U.S.C. 102(e) as being anticipated by O'Boyle (6,336,371).

The webbing is folded and constrained from unfolding by stitching (see Figure 1) extending in a direction transverse to the longitudinal direction of the webbing (*note: the webbing is folded around the sensor 24 and back to where it is stitched*).

5. Claims 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Takada (3,891,272).

Takada discloses a seat belt (see Figure 5) including one end connected to the belt by a first stitching (39) to thereby form a looped portion; wherein the portion of the seat belt adjacent to the looped portion is not folded (34; Figure 5) wherein the looped portion includes a folded portion (fold where stitching 38 is located) and a transition portion (below this folded portion) that fans out from the folded portion to join the unfolded portion of the seat belt; wherein the first stitching is located in the unfolded portion of the belt and wherein a second stitching (38) is located in the folded portion to constrain the belt from unfolding. As broadly claimed, the first stitching is located in the unfolded portion of the belt substantially adjacent to the folded portion;

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“adjacent” is broader than side by side, Ex parte Appeldorn & Gilkeson (PTO BDAppeal 159 USPQ 791). Adjacent is a relatively close position and “substantially” further broadens the term.

The first stitching (39) includes several rows of stitching. The second stitching includes a single row of stitching (38).

### *Allowable Subject Matter*

6. Claims 35-38 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Response to Arguments*

7. Applicant's arguments filed 12/28/04 have been fully considered but they are not persuasive.

Regarding the rejection of claim 30 by Applicant's Figure 5, Applicant argues that Figure 5 “fails to disclose any stitching restraining the webbing”. The examiner notes that stitching 126 does in fact “restrain[] the webbing”. Claim 30 does not recite any particular fashion to limit how the webbing is folded. As noted in the rejection above, the belt of Figure 5 is folded through the sensor (i.e., folded in half); at 114 the belt folds back on itself. The stitching holds the webbing in this folded position.

Regarding the rejection of Stojanovski, applicant argues that “stitching 56 merely forms the belt loop and does not maintain the folded portion.” The stitching does help form the belt loop, by maintaining the shape of the folded portion of the belt. As the belt is folded through slot

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40, stitching 56 maintains the belt in this folded position. Similarly, regarding claim 30, the stitching constrains the belt from unfolding.

On page 6, applicant argues the rejection of O'Boyle; applicant argues that "the webbing located in the opening 26 is not folded." Similar to the argument above regarding Applicant's Prior Art Figure 5, the belt is folded through slot 26 in O'Boyle. See Figure 1: the belt extends into slot 26, the belt is then folded in half and extends back on itself on the other side of the slot, and the end of the folded portion is stitched down. As noted above, claim 30 is so broad that any kind of folding can apply.

Regarding applicant's arguments of the rejection of claims 31-34 by Takada, as is noted in the rejection above, as broadly claimed, the first stitching is located in the unfolded portion of the belt substantially adjacent to the folded portion; "adjacent" is broader than side by side. Adjacent is a relatively close position and "substantially" further broadens the term.

### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. After April 6, 2005, the examiner's new phone number will be 571-272-6670.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Dunn', with a long horizontal line extending to the right.

David Dunn  
Primary Examiner  
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